

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:04cr295

UNITED STATES OF AMERICA

vs.

RONNIE TEAL (1)

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ORDER

THIS MATTER is before the Court upon third motion of the defendant pro se for a reduction of sentence, this time based on Fairness in Cocaine Sentencing Act of 2010. (Doc. No. 146).

The offense level for the defendant's crack cocaine offense was determined pursuant to the career offender guideline. (Doc. No. 128: Order at 1). While the career offender guideline sets the offense level in relation to the maximum statutory penalty, USSG §4B1.1(b), and the Act adjusts some statutory penalties relating to crack cocaine, Pub. Law 111-220, Aug. 3, 2010, 124 Stat 2372, neither the USSG nor the statute's language shows that the Act applies retroactively. Accordingly, the defendant is not eligible for a sentence reduction.

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: August 20, 2010



Robert J. Conrad, Jr.
Chief United States District Judge

